

MedPAC has noted a decline in ESRD drug spending since the implementation of ASP and when looking at Erythropoietin Stimulating Agents (ESAs), which are biologics used to treat anemia, in ESRD specifically, it is clear that ASP has resulted in a reduction in the price Medicare had previously paid for these biologics—going from \$10 under a statutory rate from 1994–2004 to \$9.10 today for one of these ESAs—EPOGEN. This is a 9 percent drop which represents real savings.

Additionally, there are provisions in the bill that propose to institute a statutory price controlled rate that would distort the market and ASP system by establishing a cap which restricts Medicare payment at a statutory rate of \$8.75 or ASP+2 percent, whichever is less.

It would be a mistake to change a system that has reduced prices for this medicine by 6.8 percent since the ASP-based reimbursement system was implemented in January 2006 and by 9 percent compared to what Medicare paid for the drug back in 1994 under a statutory price controlled rate.

This market-based system is working now to drive down prices for Medicare and Congress shouldn't try to fix something if it's not broken.

Most importantly, I also question how a cut in payment would affect I patient care. A payment cut may create financial incentives to reduce or ration clinically beneficial drugs.

Dialysis providers may reduce their costs by providing fewer services and drugs, transferring patients to another setting of care, or discharging patients more quickly.

So when we are looking for ways to save money, a reduction in reimbursement levels could actually result in unintended consequences, such as increasing the number of ESRD patients who are hospitalized.

Published studies show that patients who are under dialyzed or who are suffering from anemia are more likely to be hospitalized.

Increases in hospitalization due to dialysis payment changes could end up being very costly to Medicare and taxpayers.

This is just bad policy rationale.

I am also concerned with a provision that would move to a fully bundled dialysis composite rate—that is bundling drugs and other separately billable services into a composite rate—for large dialysis providers beginning in 2010, and for all other dialysis providers by 2013.

Since passage of the MMA in 2003, CMS has tried to design and test a fully bundled payment system and has been unsuccessful.

I believe that CMS must be given more time to study this issue and complete the bundling demonstration authorized in the MMA that it has been working to implement to ensure that all of the complex factors that go into a bundled payment are accounted for and that patient care and access are not harmed under a bundled payment system.

Again, bundling may create financial incentives to reduce or ration care resulting in worse health outcomes.

An insufficient Medicare payment could cause facilities to close their doors or result in poor patient outcomes.

This underscores the need to test a bundled payment through a demonstration first before implementing.

Congress and CMS should be fully informed on how to protect patient access and quality before implementing bundling system-wide.

Although I am committed to the reauthorization of SCHIP I cannot support these types of cuts to Medicare.

I urge my colleagues to join me in opposing the Democrats' SCHIP expansion in its current form.

□ 1715

POINT OF ORDER

Mr. WEINER. Mr. Chairman, I rise to renew the point of order of the previous point of order.

The CHAIRMAN. Is the gentleman stating a point of order that the gentleman is not confining his remarks to the pending question?

Mr. WEINER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is correct. The gentleman controlling the time must confine his remarks to the pending question. There must be an ongoing nexus between the pending question and any broader policy issues addressed by the gentleman controlling the time.

Mr. WEINER. Mr. Chairman, a point of parliamentary inquiry.

Mr. PRICE of Georgia. Does the gentleman yield?

The CHAIRMAN. The gentleman will suspend. The gentleman from Illinois controls the time.

Mr. SHIMKUS. If the gentleman from Illinois controls the time, I yield to my colleague from Georgia.

Mr. PRICE of Georgia. I appreciate my friend yielding.

Isn't it true that the reason you are concerned about this bill is because of the amount of spending in this bill puts in jeopardy health care for our seniors?

Mr. SHIMKUS. Especially in this debate, the end stage renal disease aspect; and that is the nexus.

PARLIAMENTARY INQUIRY

Mr. WEINER. Mr. Chairman, point of parliamentary inquiry.

The CHAIRMAN. The gentleman's time has expired.

Does the gentleman seek to make a parliamentary inquiry?

Mr. WEINER. Mr. Chairman, just for future reference. Under the rules, Members who fail to oblige and follow rulings of the order of the Chair, what is the sanction against them if they fail to do so?

The CHAIRMAN. The gentleman who controlled the time did properly confine his remarks.

Mr. WEINER. Thank you, Mr. Chairman.

Mr. FARR. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, the underlying amendment of the Agriculture appropriations bill, the amendment that is on the floor, strikes \$50,050 from the Office of the Secretary of Agriculture, \$50,050. We have now on this side accepted the amendment. The other side has used over 1 hour of procedural delay, which essentially has spent that \$50,000 on the operation of the Capitol with no savings to the taxpayer; and I think that these people who get up and talk about fiscal responsibility ought to learn a little bit of oratorical responsibility.

I yield back the balance of my time. Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. HINCHEY. I yield my time to Mr. OBEY.

Mr. OBEY. Mr. Chairman, as the gentleman from California pointed out, we have now probably expended in terms of salaries for the clerks, the cost of air conditioning for the Chamber, the cost of lights for the Chamber, we have probably now expended more money than would be saved by this \$50,000 amendment; and so what I think this amendment is about is something very different than in fact we are hearing from our friends.

What I think this is about is that, last year, if you take a look at the appropriation bills that have been considered so far this year, last year, approximately 86 hours were spent debating those bills. This year, we have had about 152 hours expended debating the same bills. Why is that?

Last year, there were 144 amendments offered by those on this side of the aisle then in the minority. This year, the now minority has offered 339 amendments. So it is obvious to me what is going on.

I don't think this debate is at all about either fiscal responsibility or the fact that the amendment purports to save \$50,000. This is simply a device which allows the sponsors and the supporters to tie up the time of the House and eventually deny this House the ability to get its work done before it leaves for the August recess. That is what this is about. And all of the rhetoric to the contrary notwithstanding, I think every Member of the House knows that is what it is about.

From the beginning, it has been apparent that there are a small number of Members on the other side of the aisle who would prefer to engage in filibuster by amendment, no matter what that means in terms of the quality of the debate, no matter what that means in terms of the inconvenience to Members, and no matter what that means in terms of the ability of this House to finish its business in a timely fashion.

So let me simply say we will hear a lot of rhetoric tonight about fiscal responsibility. Keep in mind what the real debate is, and we will give all of that rhetoric the attention that it deserves, which is very little.

Mr. HINCHEY. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. MCHENRY TO THE AMENDMENT OFFERED BY MR. GINGREY

Mr. MCHENRY. Mr. Chairman, I offer a second-degree amendment.

The Clerk read as follows:

Amendment offered by Mr. MCHENRY to the amendment offered by Mr. GINGREY: Strike "\$50,500" and insert "\$100,100".

Mr. MCHENRY. Mr. Chairman, my amendment is pretty simple. As the previous speaker said, the debate that we have had ongoing here on the House